

30 AUG 1977

Approved For Release 2004/05/13 : CIA-RDP91M00696R000100010002-3

DRAFT

MEMORANDUM FOR: Zbigniew Brzezinski
Assistant to the President
for National Security Affairs

FROM: Stansfield Turner
Director of Central Intelligence

SUBJECT: Intelligence Charter Legislation

1. This memorandum is in response to your memorandum of 20 August 1977 requesting my views on intelligence charter legislation. I and officers on my staff have been in frequent contact since the beginning of the year with the Senate Select Committee on Intelligence (SSCI) to discuss charter legislation. We expect to continue such discussion with both the SSCI and the new House Permanent Select Committee on Intelligence, but we will not take a formal position on any legislative proposal without consulting with the National Security Council. It has been and continues to be my view that development of appropriate and acceptable intelligence charter legislation can best be accomplished by maintaining a close working relationship with the Congress. In this way it should be possible to minimize areas of disagreement and to proceed as far as possible on those issues of mutual agreement.

2. I believe it would be premature at this time to propose specific legislative language for an intelligence charter. However, I do submit the following concepts as among those that should be included in the charter legislation. These concepts are submitted with the understanding that it will be necessary to mold them in light of additional views and requirements. Moreover, it should be noted that the intelligence charter will have to include specific authorities addressing the CIA's infrastructure to operate abroad [redacted] STAT and including a statement of restrictions on intelligence activities (in accordance with Executive orders). On this latter point, in my view, such a statement should be as general as possible rather than detailed; the particular language will depend in part on the authorities granted in the statute to the DCI as opposed to the CIA.

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3. Recommendations for Intelligence Charter Legislation

a. Role of the DCI: The Director of Central Intelligence should remain as head of the Central Intelligence Agency. The revised intelligence charter, however, should reflect the determinations made by the President in Presidential Directive/NSC-17 dated 4 August 1977. Moreover, the authorities and duties granted the CIA in the National Security Act of 1947, as amended, should be granted to the DCI in a new intelligence charter. The DCI should be granted the additional authority to produce finished national foreign intelligence. The DCI's Intelligence Community management mechanism should be administratively provided for as a separate statutory authority for the DCI (e.g., an "Office of the Director of Central Intelligence") as a part of the IC [redacted]

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b. Deputies to the DCI: The charter should not specify a single DDCI or a predetermined number of Deputy Directors. Rather, the legislation should allow for the appointment, by the President and with the advice and consent of the Senate, of such deputies as the DCI may require in the discharge of his duties. The statute also should provide that the DCI shall direct, as the need arises and commensurate with his Community responsibilities, which deputy shall act in his name in his absence. Finally, the charter should contain necessary restrictions on the incumbency of military officers in the positions of DCI and his deputies.

c. Intelligence Collection: The DCI should be given the duty to direct and supervise the collection of foreign intelligence. The Director should have full authority to task all national resources for the collection of intelligence by the Intelligence Community in accordance with directives and requirements of the NSC. The DCI should be authorized by statute to establish such mechanisms as necessary to carry out his tasking responsibilities; this authority should include the power to detail personnel assigned to these entities. The CIA should be tasked, by statute, with collection of foreign intelligence under the direction of the NSC and the DCI. The charter should specify that the CIA shall engage in such special activities in support of national foreign policy objectives as directed by the President and the NSC, again under the direction and supervision of the NSC and the DCI.

d. Intelligence Production: The DCI should be authorized to produce, and establish such mechanisms as are necessary for, the production of finished national foreign intelligence. He should have the responsibility for the allocation of the tasking of production elements of the Community in accordance with the needs and priorities established by the NSC for producing such intelligence.

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f. The CIA: The CIA should have its own statutory charter in view of its unique mission. The administrative and support authorities now given the CIA under the Central Intelligence Agency Act of 1949 should remain generally intact with certain specific changes (e.g., expanded firearms authority). Moreover, to clarify existing statutory provisions, and to implement Presidential Directive/NSC-17, the CIA should be tasked in the charter with collecting foreign intelligence.

g. Reporting to the Congress: The charter should specify that the DCI shall be the primary adviser to the Congress on national foreign intelligence matters, including the provision of substantive intelligence product. Consideration also should be given to providing, by statute, for a single, exclusive joint intelligence oversight committee as the sole committee to which the Executive would be required to report on non-intelligence-collection activities. I do not subscribe to the views, as expressed by the SSCI in commenting on the 15 August 1977 draft revision of Executive Order 11905 (section 8), regarding reporting to the Congress on aspects of intelligence activities and information. A further issue which should be considered is a statutory requirement that the DCI shall provide intelligence to the Congress only under appropriate guidelines to insure protection of sources and methods.

STANSFIELD TURNER

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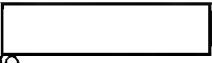
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SUBJECT: (Optional)

FROM:	Legislative Counsel 6C19 HQ	EXTENSION	NO.	STAT	
			DATE		
			30 August 1977		
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.) The Director reviewed our recommendations paper over the weekend and made several comments pertaining thereto. The attached paper reflects this latest guidance. Hopefully, we will be able to obtain the Director's approval for this and get it over to the NSC within the deadline. 	
	RECEIVED	FORWARDED			
	1. NIO Attn:  ZE47 HQ	30 AUG 1977			
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